



After reviewing the record and considering the briefs and arguments of the parties, the Appeals Board finds as follows:

The Award of the Administrative Law Judge should be affirmed. Respondent has met its burden of establishing that it knowingly retained a handicapped employee and that the claimant's injury and resulting disability would not have occurred but for the preexisting impairment. The evidence in this regard is uncontradicted. All compensation and benefits awarded to claimant because of his July 8, 1992 and September 25, 1992 accidents shall be paid by the Fund.

**AWARD**

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the Award of Administrative Law Judge John D. Clark dated February 9, 1996 should be, and hereby is, affirmed in all respects and the orders contained in the Award are hereby adopted by the Appeals Board as its own.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of June 1996.

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BOARD MEMBER

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BOARD MEMBER

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BOARD MEMBER

c: Douglas D. Johnson, Wichita, KS  
Andrew E. Busch, Wichita, KS  
John D. Clark, Administrative Law Judge  
Philip S. Harness, Director